

APPROVED: February 13, 1989

ATTEST: *Anita McComb*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No 43-88

November 28, 1988

The Mayor and Council of Rockville, Maryland convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, November 28, 1988 at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James Coyle

Councilmember Viola Hovsepan

Councilmember David Robbins

ABSENT

Councilmember Stephen Abrams (travel leave)

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, City Attorney Paul Glasgow, and City Clerk Margaret Gearin.

Re: City Manager's Report

City Manager Bruce Romer reported the following:

1. Through the Department of Community Services, 271 food baskets were delivered to residents for Thanksgiving through the Thanksgiving Food Drive.
2. In the 1988 United Way Campaign, 63% of the City employees contributed \$11,000, which was an increase of 12.5% over last year.
3. The next City sponsored Small Business Forum will be held on December 7th and will feature the Hayman Mailing Service which is a small, family owned business.
4. The City leaf collection is underway. Although the schedule has fallen 1/2 day behind, that time will be made up this week.

5. Holiday decorations will go up this week in the community. The decorations will include a new downtown banner. The program will start with the holiday theme and continue all year with five or six different sets of banners appropriate to the time of year.

Re: Recognition of the 1988 Rockville Gazette Singles and Doubles Tennis champions and finalists.

1988 is the second year for conducting the Rockville Gazette Tennis Tournament. The Mayor and Council presented a special certificate of appreciation to Pat Royse who accepted on behalf of the Rockville Gazette and trophies were presented to the winners.

Re: Recognition of Intermediate and Junior Division champions of the 1988 Rockville Football League.

The Rockville Football League is a youth sports league administered and governed by a volunteer board in cooperation with the City of Rockville Department of Recreation and Parks. Mayor Duncan, along with the Council, congratulated the football champions and presented certificates to each player/member from the two championship teams.

Members of the Bears, champions of the Intermediate Division, include:

Mike Canterbury
Robbie Robinson
Jack Slye
Fernando Portugal
Greg Valandia
Aret Kose
Justin Best
Jimmy Gingrich
Chris Case
Blake Remer

Ferris Ayoub
Rusty James
Jack Kubin
Chris Milborn
Mike Engles
Robbie Neale
Marc Nabmani
Brian Heffernan
Ray Strawn
Fedrico Fontana

The following team mates of the Rockville Razor Backs were recognized:

Phil Shellhaus
Mike Dinerman
David Kanimba
Andrew Smith
Garrett Clemens
Brendon Kelly

Kevin Cronin
David Roberge
Aric Wiser
Kevin Williams
Joey Lauritzen
Adam Budd

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Frank Surber
Donald Markle
Bryan Alavrez
Hector Reyes
Jason Riso

Brian Kudon
Mark Radan
Kevin Geogehan
Kieta Geer
Jeff Little

Re: Approval of Minutes

On motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting #33-88 (August 8, 1988) were approved as written.

On motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting #35-88 (September 19, 1988) were approved as written.

On motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting #36-88 (September 26, 1988) were approved as corrected.

On motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting #37-88 (September 27, 1988) were approved as written.

Re: Citizens Forum

Mayor Duncan opened the meeting to those citizens who wished to address the Mayor and Council.

1. Judy Greenberg, 2304 Chilham Place, thanked the Mayor and Council, staff and the Cultural Arts Commission for their support regarding funding for the Rockville Arts Place.

2. Mr. John Moser, Upton Street, Chairman of the Cultural Arts Commission, voiced his support of the Rockville Arts Place.

3. Mr. Richard Arkin, Lynch Street, Chairman of the Planning Commission, thanked the Fire Department for its help in extinguishing a fire at his home that caused \$50,000 damage. He also thanked Christopher Long who was passing by his house and reported the fire.

Re: Award of Bid 49-89 for the purchase
of three police patrol vehicles from

Rosenthal Chevrolet, Arlington, VA,
for the low bid of \$40,722.78.

Each year a certain number of police patrol vehicles are replaced to keep maintenance expenses low and to have reliable vehicles for the police officers. Three standard police patrol vehicles have been scheduled for replacement during FY89. Proposals were sent to 38 prospective bidders and five bids were received. Bids ranged from the low bid of \$40,722.70 to \$41,907.00.

This item was deleted from the agenda and referred back to staff for review. It will be on the agenda for the December 19th General Session.

Re: Award of Bid 62-89 for the purchase
of three light duty pickup trucks
from Rosenthal Chevrolet for the
low bid of \$28,333.59.

The purchase of light duty pick-up trucks will provide vehicles for the Public Works and Recreation and Parks departments. Specifications for this purchase have been upgraded and there is no previous purchase history.

Proposals were sent to 37 prospective bidders and 10 bids were received. Bids ranged from the low bid of \$28,333.59 to \$29,490.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 62-89 to the Rosenthal Chevrolet for supplying three S-10 model pickup trucks for the low bid of \$28,333.59.

Re: Award of Bid 47-89 for the purchase
of seven four-door sedans, the basic
City vehicle, from Rosenthal
Chevrolet, Arlington, VA for the
low bid price of \$63,608.30.

These specifications are for the basic City vehicle for staff use. Six of these vehicles are replacements and the seventh sedan was added to the recent budget for use by Licenses and Inspections.

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Proposals were sent to 37 prospective bidders and nine bids were received, ranging from \$63,608.30 to \$69,036.00.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 47-89 to the Rosenthal Chevrolet for the low bid of \$63,608.30.

Re: Award of Bid 60-89 for the purchase of two four-door sedans from Rockmont Chevrolet for the low bid of \$20,916.20.

These four-door sedans, priced at \$10,458.10 each, will be used as Department Head vehicles for the Community Development and Recreation and Parks Departments. Proposals were sent to 37 prospective bidders and 10 bids were received, ranging from \$20,916.20 to \$22,912.00.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 60-89 to the low bidder, Rockmont Chevrolet for the low bid of \$20,916.20.

Re: Award of Bid 42-89 for the purchase of trees and shrubs from Arbor Landscapes, Inc., in the amount of \$91,665.00.

Each year, the Department of Recreation and Parks plants hundreds of trees and shrubs as both replacements and new plantings. The installations take place during the winter months. This contract is for the furnishing, delivery, and planting of trees and shrubs at various locations throughout the city. Arbor Landscapers was the low bidder; the contract has been adjusted to reflect budgeted amounts.

Proposals were sent to 44 prospective contractors and three bids were returned:

ARBOR LANDSCAPES, INC Spencerville, MD	\$ 107,615.00
McDONNELL LANDSCAPE MAINTENANCE, INC. Bethesda, MD	\$ 112,052.00

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GREENBRIER FARMS LANDSCAPING, INC.
Chesapeake, VA

\$ 148,843.32

Funding is available in the amount of \$91,665.00. Staff recommends awarding the contract to Arbor Landscapes, Inc. for furnishing, delivering and planting trees and shrubs in the amount of \$91,665.00. Quantities on certain plants and shrubs have been decreased to meet the budgeted amount.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 42-89 to Arbor Landscapes, Inc. for \$91,655.00

Re: Discussion and Instruction to staff
regarding funding proposals for
Rockville Arts Place.

Rockville Arts Place, Inc. (RAP) has proposed that the City provide funding for the start-up costs (\$200,000) and annual operational costs (\$75,000) of the proposed Rockville Arts Place. RAP, a non-profit corporation, received a grant from the City in the spring of 1988 for the purpose of preparing a business plan. The goal of RAP is to develop a center for the arts and crafts. The Center is to be contained in the Metro Center and is proposed to include a freestanding building construction on the roof of the Metro Center Phase II. Plans call for construction to start in 1989 and the timetable for opening RAP includes plans to open a gallery and a few classrooms on the second floor on the weekend of May 30, 1989.

Staff recommends that the City contribute to the RAP building fund in the amount of \$150,000 as a capital contribution, plus \$50,000 as one time start-up costs, including the City's previous commitment of \$25,000. These contributions should be viewed as commitments to fund, but contingent upon the receipt of funding commitments from other governmental agencies and private sector donations. Staff further recommends that annual operating support of \$75,000 for RAP should be considered as part of the City's regular operating budget process.

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Upon motion of Councilmember Hovsepian, the Mayor and Council approved the funding by the City contingent upon receipt of funding commitments from other government agencies and private sector donations. The staff was instructed to send letters to the Maryland Senate and House delegations and Montgomery County telling them of Rockville's action to share in the funding of RAP. The City Manager will report in FYI on the progress of the funding drive periodically, and if funding prospects change, he will report how those changes would affect the City's contribution. The Mayor and Council agreed that this was an exciting opportunity for Rockville because it supports the arts as well as providing economic benefit to the community and varied activity in the town center. RAP was urged to appoint a chairperson for the private sector funding drive.

On a motion by Councilmember Hovsepian, duly seconded and unanimously passed by those members present, the Mayor and Council voted to contribute to the Rockville Arts Place Building Fund in the amount of \$150,000 contingent on equal matching funds being raised from state and private sources respectively, plus \$50,00 in start up costs including the City's previous commitment of \$25,000, and to agree to consider requests for annual operating funds as part of the City's operating budget.

Re: Presentation of Proposal for Public
Art at Broome Athletic Park and an
Award of Public Art Commission.

The proposal is to create a 12' x 12', polished pink granite floor, engraved with the City of Rockville streets, parks, and major highways with the streets and highways to be in brass. Artwork and landscaping will be located at the south entrance to the park.

Artist Steven Weitzman presented a demonstration of his proposal and he, assisted by John Moser, Chairperson of the Cultural Arts Commission, and Francoise Yohalem, City of Rockville Arts Consultant, answered questions from the Mayor and Council. The

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Council was concerned about the cost of the proposal since the amount designated in the Master Plan for neighborhood art was \$10,000 - \$15,000. In addition, the Mayor questioned the proposed location of the art in an area that is not used too frequently and whether the sculpture was appropriate for this location because it could not be seen from the street.

The Mayor and Council agreed it was an excellent piece and Councilmember Robbins suggested that the Council look at the site before making a decision.

The Council will meet with the Cultural Arts Commission to discuss funding of public art and scheduled the topic to appear on the January 9th agenda for a decision. Mayor Duncan thanked Mr. Weitzman for his excellent work and noted that his art also appears at the county Court House, Twinbrook Elementary School and Waters Landing Elementary School.

Re: Approval of Cultural Arts Commission
Recommendation for FY 89 Art Sites.

The Cultural Arts Commission recommends approval to allocate \$150,000 for purchase of art for FY 89 sites. Three sites have been identified by the Commission: (1) Norbeck Road (Rt. 28) at E. Gude Drive intersection; (2) Viers Mill Road at City border (north side); and (3) Mannakee St. circle. Each of these sites is identified in the Art in Public Places Master Plan. Sites 1 and 2 are Priority 2, Gateway sites; the Mannakee St. site is a priority 3 or neighborhood site.

Mr. John Moser, Chairman of the Cultural Arts Commission, explained that the \$150,000 the Commission was requesting was a maximum figure and less money would probably be spent. This figure also included approximately \$10,000 which is used for ancillary costs. Competition for outdoor art is intensely competitive and insurance liability for artists is increasing. In making selections, the Commission looks for art that will last and age well.

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Commission member Ken Lechter suggested that the discussion should also include whether the money budgeted should be spent on the same number of pieces or a fewer number, as well as discussion of whether total funding should be based on \$1 or \$2 per capita.

Mayor Duncan asked the staff to make a recommendation on this proposal and to schedule a work session with the Cultural Arts Commission in January to discuss the parameters of what the City is looking for and if the selections are being limited to pieces that are low to the ground because of safety factors.

Re: Discussion and Instruction to staff
regarding membership in the North
Bethesda Transportation Management
Association.

Rockville has a unique opportunity to promote a partnership with the private sector through membership in the North Bethesda Transportation Management Association (TMA). It is proposed that the City join the TMA as a corporate member in the same manner in which other employers in the area have joined. The annual costs are \$3,000. The TMA has indicated its willingness and interest in expanding its boundaries to include the City of Rockville. In a related matter, TMA will announce this week that it is relocating its offices to the Rockville Metro Center. The Association has indicated a willingness to consider a change of name to more accurately reflect the geographic area covered within its boundaries.

On motion of Councilmember Coyle, seconded and unanimously passed by a 4/0 vote, the Mayor and Council authorized the staff to secure membership in the North Bethesda Transportation Management Association.

Re: Adoption of Ordinance to grant Map
Amendment Application N-50-87, Mayor
and Council of Rockville applicant.

Ordinance No. 39A-88

Adoption of this ordinance will provide zoning reclassification of a 50 foot wide strip of land along the western edge of the Twinbrook Shopping Center for the R-60, One-Family Detached Residential Zone, to the C-2, General Commercial Zone.

This map amendment has been prepared and filed on behalf of the Mayor and Council to help accommodate development of a new Safeway store at the Twinbrook Shopping Center. A substantial amount of additional parking will be needed to accommodate a new larger store. Therefore, expansion of the parking area into a vacant area to the west is desired. A 50 foot strip of R-60 zoned land presently separates the Twinbrook center from detached dwellings that front on Bradley Avenue. Use of this strip for any purpose in conjunction with a commercial use requires that it be placed in the C-2 Zone.

John Tyner, President of the Twinbrook Citizens Association, who spoke in favor of the zoning reclassification, noted that the Mayor and Council will make any future decisions about the use of this 50 foot strip.

Councilmember Hovsepian added that at the last meeting, she stated that she supported keeping the zoning residential as was originally intended but would support the present ordinance as written.

Councilmember Robbins commented that he favored retaining 25 feet as residential but would support the ordinance to move it along so reconstruction could begin.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council adopted Ordinance No. 39A-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council to provide zoning reclassification of a 50 foot wide strip of land along the western edge of the Twinbrook Shopping Center for the R-60, One-Family Detached Residential Zone, to the C-2, General Commercial Zone.

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Re: Adoption of Ordinance to grant Text
Amendment Application T-85-87, Mayor
and Council of Rockville applicant.

Ordinance No. 40-88

This text amendment has been prepared and filed on behalf of the Mayor and Council to help accommodate development of a new Safeway store at the Twinbrook Shopping Center. The current Zoning Ordinance requires grocery stores to provide the same amount of parking as any establishment dealing in general retail sales, trade or merchandizing, and requires that parking be provided for all space designed for tenant occupancy. Therefore, a supermarket having a significant amount of storage, preparation and office spaces would be required to provide an excessive number of parking spaces. This text amendment would require that parking be provided on the basis of the floor area actually used for sales, trade or merchandizing and parking for the employees. Mayor and Council action on the item has been delayed, waiting the execution of a new lease between Safeway and the owners of the Twinbrook Shopping Center.

Upon motion of Councilmember, duly seconded and unanimously passed, Ordinance No. 40-88, the full text of which can be found in the Mayor and Council Ordinance Book No. 14, to amend the parking quantity requirements of the Zoning Ordinance so as to establish a separate parking requirement for supermarkets containing at least 30,000 square feet of space, and one space for each 200 square feet of floor area used for sales, trade or merchandizing; and one space for each two employees, was adopted.

Re: Adoption of Ordinance to amend
Section 3-1.10 "Leave" of Chapter
3 entitled "Personnel Regulations"
of the "Laws of Rockville" so as
to delete the requirement that
family sick leave be taken only for
specified family members residing
in the employee's household; and

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to expand the definition of "immediate family" for which death leave may be granted.

This amended ordinance will allow all eligible employees to: (1) now utilize their sick leave for the illness of family members not residing in the same household; and (2) include in-laws in the definition of immediate family under death leave which provides three days off with pay.

As a result of recently completed negotiations with AFSCME local 1453, certain restrictions on the use of sick leave and death leave were deleted effective July 1, 1988 from the 1988/89 Labor Agreement. However, the same restrictions on leave usage in the City's Personnel Ordinance covering all non-union employees remain in effect.

Specifically, this amendment would remove the "residing in the employee's household" restriction on the use of the family illness provision on sick leave; and include the employee's "in-laws" in the definition of immediate family under the City's death leave regulation which provided three working days off with pay. Staff recommends adoption of the ordinance so that employee access to leave benefits remain consistent whenever possible among all employee groups.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 41-88, the full text of which can be found in the Mayor and Council Ordinance Book No. 14, to amend Section 3-1.10 "Leave" of Chapter 3 entitled "Personnel Regulations" of the "Laws of Rockville", was adopted.

Re: Correspondence/FYI

Mayor Duncan asked that the recommendation of the Recreation and Parks Advisory Board regarding the Richard Montgomery High School track be made a part of the budget.

Re: New Business

Mayor Duncan asked staff to set up a dinner meeting with the County Board of Education, the Rockville Public Education Advisory Commission and the Mayor and Council

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in January or mid-February, 1989.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:50 p.m., to convene again in Public Hearing at 7:30 p.m. on Monday, December 12, 1988 or at the call of the Mayor.